

**UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT
OF TEXAS HOUSTON
DIVISION**

Antoine Group, LLC, et al.

Plaintiffs

v.

Civil Action No. 4:23-cv-02524

Opulent Digital Specialists, LLC, et al.

Defendants

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.

Counsel for the respective parties met via telephone conference on August 14, 2023. Charles R. Parker and Wayman Prince attended for Plaintiffs Antoine Group, LLC & Dr. Behzad Nazari. J. Reese Campbell attended on behalf of Opulent Digital Specialists, LLC. Johnathan Mondel attended on behalf of Amann Girrbach North America, LP.

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

None.

3. Briefly describe what this case is about.

Plaintiffs contracted with Opulent Digital Specialists, LLC (“Opulent”) to purchase dental equipment on or about December 22, 2023. Some of the equipment to be purchased by Plaintiffs is manufactured by Amann Girrbach. Plaintiffs executed a finance agreement with TIAA Bank for the purchase price, and TIAA Bank disbursed funds to Opulent. Opulent delivered some, but not all, of the equipment to Plaintiffs.

Having received neither the outstanding equipment or a refund, Plaintiffs have brought claims for breach of contract, Deceptive Trade Practices Act and attorney fees against Opulent.

Opulent has filed counterclaims against Plaintiffs for breach of contract and

anticipatory repudiation.

Plaintiffs have filed an agreed dismissal without prejudice for Amann Girrbach North America, L.P.

4. Specify the allegation of federal jurisdiction.

Diversity jurisdiction – 28 U.S.C. § 1332. Plaintiffs Antoine Group, LLC and Behzad Nazari are citizens and residents of Texas. Defendant Opulent is a limited liability company organized and headquartered in California, with members who are both residents and citizens of California. Defendant Amann Girrbach North America, LP is a limited partnership organized under the laws of North Carolina with its sole physical location in Charlotte, North Carolina. The general partner of Amann Girrbach North America, LP is a Singaporean entity. Accordingly, Amann Girrbach's citizenship is Singaporean for diversity purposes. Complete diversity exists between the parties.

5. Name the parties who disagree and the reasons.

None.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

None.

7. List anticipated interventions.

None.

8. Describe class-action issues.

None.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

The parties exchanged initial disclosures on August 28, 2023.

10. Describe the proposed agreed discovery plan, including:

- A. Responses to all the matters raised in Rule 26(f).

Responses to all matters raised by September 5, 2023.

B. When and to whom the plaintiff anticipates it may send interrogatories.

Plaintiffs anticipate they may send interrogatories to Opulent Digital Specialists on or before November 21, 2023.

C. When and to whom the defendants anticipate they may send interrogatories.

Defendants anticipate they may send interrogatories to Plaintiffs on or before November 21, 2023.

D. Of Whom and by when the plaintiff anticipates taking oral depositions.

Plaintiffs anticipate taking the oral depositions of employees of Opulent Digital Specialists on or before December 22, 2023.

E. Of Whom and by when the defendant anticipates taking oral depositions.

Defendants anticipate taking oral depositions of Dr. Nazari and Plaintiffs' employees on or before December 22, 2023.

F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

Plaintiff will designate experts and provide reports by November 1, 2023.

Defendant will designate any responsive experts and provide reports by November 29, 2023,

G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date.

See Rule 26(a)(2)(B) (expert report).

Expert deposition will be completed by December 22, 2023

H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

See Rule 26(a)(2)(B) (expert report).

Expert deposition will be completed by December 22, 2023

11. If the parties are not agreed on a part of the discovery plan, describe the separate view and proposals of each party.

The Parties are agreed on the terms of the discovery plan.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

None.

13. State the date the planned discovery can reasonably be completed.

December 22, 2023.

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

The Parties believe that a prompt resolution of the case is possible. New counsel for both Plaintiffs and Opulent have just appeared in the case. The Parties intend to continue settlement discussions once counsel have gotten up to speed on the case.

15. Describe what each party has done or agreed to do to bring about a prompt resolution.

The Parties have previously engaged in informal settlement discussions, and have agreed to continue those discussions to promptly resolve this case. In the event that informal discussions do not lead to resolution, the Parties agree to mediate.

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that reasonably suitable.

The Parties believe that early mediation before the MAGISTRATE JUDGE would be reasonably suitable for this case.

17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

The Parties are not agreeable to trying this case before a magistrate judge.

18. State whether a jury demand has been made and if it was made on time.

Plaintiffs waive the jury demand that was previously made in state court. Defendant has not made a jury demand. Parties would like to proceed with a non-jury trial if needed.

19. Specify the number of hours it will take to present the evidence in this case.

8-12 hours at most.

20. List pending motions that could be ruled on at the initial pretrial and

scheduling conference.

Amann Girrbach North America, LP's Motion to Dismiss for Lack of Personal Jurisdiction.

Plaintiffs' Agreed Motion to Dismiss Amann Girrbach North America, LP without Prejudice will moot the need for the Court to rule on Amann Girrbach's Motion to Dismiss for Lack of Personal Jurisdiction.

21. List other motions pending.

None.

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

None.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

Plaintiffs Antoine Group, LLC and Behzad Nazari, DDS filed their Disclosure of Interested Parties on August 11, 2023.

Defendant Amann Girrbach North America, LP filed its Disclosure of Interested Parties on July 10, 2022.

Defendant Opulent Digital Specialists LLC filed its Disclosure of Interested Parties on September 1, 2023.

24. List the names, bar numbers, addresses, and telephone numbers of all counsel.

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Respectfully submitted,

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9/6/2023

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9/6/2023

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